

## REMARKS

Claims 1-17 have been rejected under 35 USC 102(e) as anticipated by Satt; and claims 18 and 19 have been rejected under 35 USC 103(a) as unpatentable over Satt in view of Leigh. The rejections are moot in view of the amendments to claims 1 and 10, incorporating the limitations of claims 2 and 5, now canceled.

Claims 5 and 10 have been rejected under 35 USC 103(a) as unpatentable over Satt in view of Leigh, further in view of Kurakake. The rejection is respectfully traversed. As noted above, claims 1 and 10 have been amended to include the limitations of claims 2 and 5, now canceled.

The Examiner states that Satt discloses presence and availability of a user of a service taken as a basis for granting a release for a data transmission in paragraph [0048], and notes that Satt fails to disclose “a positive check result is taken as a basis for an evaluation and decision unit to release a data transmission to the user of the service” but that this lamination is disclosed at paragraphs [0044] – [0045] of Kurakake. Applicants respectfully disagree.

The instant specification states that a presence and availability unit PVE 26 ascertains which users are present and available, and the presence and availability unit transmits a check result to the AEE. Here, a release of data transmission of other network units is given only for users who are present and available. This is represented by the afore-mentioned limitations in claims 1 and 10. Neither Satt nor Kurakake disclose this feature. Rather, Satt in paragraph [0048] simply discloses retrieval of information regarding the mobile user profile (e.g. name, age, etc.) and location (e.g. where is the user positioned). However, there is no disclosure of whether the user is available and present such that data transmitted will reach the user. Kurakake, on the other hand at paragraphs [0044] – [0045], only discloses the availability of resources (i.e. available resources that satisfy the resource request and have been validated), not the user.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-139.

Respectfully submitted,

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